

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA**
CHARLOTTESVILLE DIVISION

ALEXANDER STONE KRISTENSEN,
Plaintiff,

v.

WILLIAM DAVID SPOTNITZ,
ET. AL.
Defendant.

CASE No. 3:09-cv-00085

ORDER

JUDGE NORMAN K. MOON

This matter is before the Court on the Defendants' Motion to Dismiss under Federal Rule of Civil Procedure Rule 12(b)(6), for failure to state a claim for which relief can be granted (docket no. 2).

For the reasons stated in the accompanying Memorandum Opinion, Defendants' Motion to Dismiss will be and hereby is DENIED.

The Clerk of the Court is hereby directed to send a certified copy of this Order and the accompanying Memorandum Opinion to all counsel of record.

Entered this 4th day of June, 2010.



NORMAN K. MOON
UNITED STATES DISTRICT JUDGE